

## REMARKS

We refer to the Office Action mailed on 08/27/2010.

Please find enclosed an amended set of claims in which claim 1 has been amended, claim 11 has been cancelled and new claims 12 and 13 have been added.

### Claims.

Claim 1 has been amended such that it is directed towards a lifting device as it originally was, and is amended such that the claim now defines the that the lifting device is adapted for mounting on an implement carrier with fork structure which can be telescoped between a retracted position and an extended position as disclosed in figure 1 and figure 2 which show an implement carrier with telescoping fork structure in a retracted and an extended position.

Claim 1 has been further amended by defining that the fixed connection is attachable to a stationary part of the fork structure. Basis can be found on page 3, line 26-27.

Claim 1 has been further amended such that it is now directed towards the embodiment of the invention shown in figure 1 and 2, i.e. the embodiment without springs where the object held by the lifting device is released when the telescopic fork structure is extended from the retracted position. Further basis can be found on page 5, line 2-3 and line 6-8. Since the embodiments shown in figures 5-8 are no longer included in claim 1, claim 11 has been cancelled.

In order to also cover the two embodiments with the spring shown in figures 5-6 and 7-8, a new claim 12 has been included in the amended set of claims. A new dependent claim 13 has also been included. Basis for claim 12 and 13 can be found in claim 1, claim 11; page 5, line 24 – page 6, line 2 and figures 5-8.

### Drawings.

With the amendments of the claims as explained above, it is believed that the objections against the drawings cease to apply. Consequently, new drawings are not necessary.

Enablement requirement.

With the amendments of the claims as explained above, it is believed that the enablement requirement is fulfilled. In the amended set of claims there are two independent claims, claim 1 and claim 12, which defines the embodiment of the invention shown in figures 1-2 and in figures 5-8 respectively. Furthermore, the implement carrier and its fork structure is no longer a part of the claimed invention.

Utility (35 USC § 101).

With the amendments of the claims as explained above, it is believed that the claimed invention fulfils the requirement to usefulness.

Obviousness rejection (Office Action mailed on 02/24/2010).

In the above mentioned Office Action the Examiner argued that the claimed invention would have been obvious for a person skilled in the art having knowledge of Kristensen (US 6,024,529), Smith (US 3,014,751) and Miller (US 3,881,617). The Applicant respectfully disagrees.

The lifting device disclosed in Kristensen is vacuum based and utilizes an electronic device to control a release valve which, when it is opened, will remove the vacuum from the suction cups holding the object being moved or lifted. The lifting device is not adapted for use with a fork structure which is telescopable such that the releasing of an object being held by the suction cups is done by extending or retracting the telescopable forks.

Smith discloses a magnetic device with a pivotable, hand operated lever which releases the magnetic device from a surface to which the magnetic device is attached. The magnetic device is intended for use with magnetic sheet material, for example iron plates.

Miller discloses a hopper lifting device including: *“A lanyard or rope 35 tied to the upper end of the lever 34 and secured in a convenient location on the lift truck 11 provides that the operator of the lift truck may readily actuate the latch mechanism by pulling upon the lanyard 35”*, see col. 3, line 40-44. Furthermore, in column 4, line 13-18, it is stated that *“On reaching the location where the material is to be deposited, the lanyard 35 is pulled and this will dis-engage the latch mechanism. The bias of the hopper 14 containing the material is such that by force of gravity the hopper will tilt forwardly to the position shown*

in FIG. 2 and the material dumped therefrom”. From the two passages quoted above, it should be clear that the release mechanism is manually operated by the driver of the truck and the hopper is released and emptied due to the gravitational forces acting on the hopper and the material contained in the hopper. The Examiner claims that “*movement of the carriage along the said mast will cause the line to become taut and thereby cause the lever to pivot thereby releasing the holder from a latch.*”. This is clearly wrong as can be seen from the first passage quoted above wherein it is clearly stated that the latch mechanism is actuated by the driver pulling upon the lanyard. In other words, the movement of the carriage does *not* cause actuation of the latch mechanism.

By attaching the magnetic device disclosed in Smith to the lifting device disclosed in Kristensen instead of the vacuum based suction cups, and attaching the lanyard disclosed in Miller to the handle of the magnetic device disclosed in Smith, a skilled person would still not arrive at the claimed invention. The release system would still be manually operated by a person who would have to pull the lanyard in order to release an object from the magnet. Furthermore, there is nothing disclosed in any of the cited publications that would prompt a person skilled in the art to redesign the lifting device disclosed in Kristensen such that the releasing of an object being held by the lifting device is effected by a telescoping action of the implement carrier on which the lifting device is mounted.

The Examiner argues that the claimed invention, as defined in claim 1, would have been obvious for a skilled person in the art having knowledge of Kristensen (US 6,024,529), Smith (US 3,014,751) and Miller (US 3,881,617). The Applicant respectfully disagrees.

Kohler also discloses a material handling device wherein a carriage mounted to a forklift and arranged to move up and down in a vertical direction. The carriage is provided with forks for lifting a bin containing material to be dumped. There is also provided a cable 48 which is attached to the cable arm 43 and the fork lift truck. When the carriage is elevated, the cable pulls on the cable arm whereby the bin is rotated and the material contained in it is dumped. It should be noted that the release mechanism works by elevating the forks. It should further be noted that Koehler does not disclose a telescoping fork structure, and the release mechanism disclosed by Koehler is therefore not related to a telescoping movement of the fork structure. Furthermore, the fork arms 14, 15 moving up and down the hoist frame 12 in Koehler is *not* a telescoping structure.

If a person skilled in the art tried to combine the lifting device of Kristensen with a magnetic device disclosed in Smith and the automatic release system disclosed in Koehler, he or she would not arrive at the claimed invention. The resulting device would be a forklift with magnets and a release system that would release the object when it has been lifted to a certain height. This is fine when the intention is to empty a bin which must be raised to a certain height before being rotated such that the material contained in the bin may be dumped. This is however not a suitable solution when transporting objects of the white goods type as claimed by the Applicant.

A person skilled in the art, combining the devices disclosed in Kristensen, Smith and Koehler, as suggested by the Examiner, would arrive at a lifting system where the white goods object would be released when it is lifted to a certain height. Obviously, a skilled person in the art would not consider using such a release system when the aim is to transport and stack white goods objects. A white goods object which is to be placed on the ground will not be released, while a white goods object which is to be stacked on top of one, two or more other white goods objects may be released in mid air. A skilled person would therefore not arrive at the claimed invention by combining features disclosed in Kristensen, Smith and Koehler.

It should also be mentioned that neither Miller nor Koehler discloses that the object which is held by the fork structure, is released. The objects in both publications are rotated but are still held by the fork structure after the release mechanisms has "released" the objects, i.e. the release mechanism will just enabled them to rotate.

Based on our arguments above, it should be clear that a ordinary skilled person in the art would not have been able to arrive at the claimed invention by combining any of the cited publication. It is therefore believed that the claimed invention, as defined in claim 1 and claim 12, would have been non-obvious for a person skilled in the art at the time of filing the present application.